

WRIGHT IS RELEASED

De Bolt Orders His Immediate Arrest.

(From Wednesday's Daily.)

Walter A. Wright was released upon habeas corpus by Judge Gear yesterday, as he had previously stated would be done, but the former tax assessor was immediately rearrested upon a new warrant issued by Judge De Bolt on a complaint setting out the same facts regarding the alleged embezzlement.

Judge Gear in his decision releasing Wright says:

"It is clear from the record as well as the evidence that petitioner did not have a preliminary examination, and I am satisfied that there was no legal waiver thereof.

"The notes of the District Magistrate after setting out the charge state as follows:

"Defendant's plea was reserved. W. J. Sheldon for the defendant. By the court: This case is committed to the March term, 1903, of the Fifth Judicial Circuit.

"G. L. KOPA, District Magistrate.

"The reserving by the defendant of his plea was not a waiver of examination, and the District Magistrate could not deprive defendant of his right to such an examination.

"The question then arises: Can the court inquire into what took place before the District Magistrate prior to commitment?

"While the authorities are conflicting as to whether on habeas corpus the weight and sufficiency of evidence tending to support the commitment may be considered, there is no conflict upon the question as to whether there is any evidence to support it. The rule is as follows:

"It is well settled that the court on the hearing in a habeas corpus proceeding, may inquire whether there is any legal evidence to support the commitment."—15 Am. & Eng. Encycl. of Law, page 199.

"There having been no evidence introduced in this case and no legal waiver of a preliminary examination, the District Magistrate (who, it is admitted, does not understand the English language) had no right or authority to commit the defendant for trial.

"The commitment being void, the defendant must be discharged, and it is so ordered.

"GEAR, J."

Assistant Attorney General Douthitt immediately swore out a new complaint before Judge De Bolt charging Wright with the embezzlement of \$2,500 in government funds, collected by him as deputy tax assessor. The bond was fixed at \$2,500 which Wright gave, and he was immediately released. A preliminary hearing will be had before Judge De Bolt next Monday.

NOAR IS REPRIMANDED.

Isaac Noar was before Judge Robinson yesterday to answer for contempt in interfering with W. E. Fisher as receiver for the Star block. L. A. Andrews appearing for Noar contended that as an appeal had been taken, the order of Judge Robinson was without effect and there could be no contempt. Judge Robinson differed on this proposition, saying that the order appointing a receiver was an interlocutory one and there could be no appeal from it unless with the permission of the court. The court held however that the violation of the order had not been wilful, but simply through ignorance and with the advice of counsel. Noar was discharged with a reprimand and warned not to interfere with Fisher again.

CRAWFORD GETS OFF.

Willie Crawford was purged of contempt also before Judge Robinson. He had been cited for failure to pay alimony and took the stand to testify that he had no money with which to comply with the court's order. He said that he had made only \$17 during November and it required \$50 for him to live, he borrowing the rest of the money on his fire warrants. The citation was dismissed as it was impossible for Crawford to obey the court's order.

WILL GET NO NEW TRIAL.

Judge Gear yesterday overruled the motion for a new trial in the case of Territory of Hawaii vs. C. K. Al et al., in which the United Chinese Society's troubles are involved.

The court held that it had lost jurisdiction when the appeal was perfected and now was powerless to make any order in the case, or grant a new trial. The petitioners are estopped from an appeal because of the loss of the stenographer's notes of the evidence as no transcript can be obtained. The Supreme Court will probably be asked to interfere in the case.

BISHOP & CO. ANSWER.

Bishop & Co. have filed an answer in the suit of German Savings & Loan Society vs. C. S. Deaky et al., alleging that they have an interest in the Progress block. Bishop & Co. allege that they have a note for \$17,000 signed by C. S. Deaky and secured by a mortgage upon the Progress block and also upon the Pacific Heights property, subject to a first mortgage of \$50,000 held by C. W. Booth. The defendants ask in the event of the sale of the property that their claim be paid out of any balance remaining.

COURT NOTES.

A bill of costs for \$246.64 has been filed by plaintiff in the case of Y. Ahin vs. John K. Sumner.

The execution in the case of H. G. Middlemich vs. H. G. Austin has been returned as satisfied, the property levied upon having been sold for \$175.

ALLIED SHIPS BOMBARD PORT OF VENEZUELA

Puerto Cabello's Forts Reply But Are Soon Demolished By Shells.

PUERTO CABELLO, Saturday, December 13.—The British cruiser Charybdis and the German cruiser Vineta bombarded the fortress here at 5 o'clock this afternoon and quickly silenced it. The bombardment lasted for forty-five minutes. The fortress is composed of Fort Solano and the Castle Libertador. After the firing ceased the Charybdis sent marines to occupy the castle. The fortress was almost demolished. It is probable that only a few persons were injured by the shelling. The commander of Castle Libertador has been taken prisoner. The cruisers are still here.

At 7 o'clock this morning the Charybdis and the Vineta arrived here searching for Venezuelan gunboats. The two cruisers sent their boats into the inner port, but finding no gunboats the boats returned. The captain of the British merchant steamer Topaz, which was seized by the mob last Wednesday, then visited the British Commodore on board the Charybdis and lodged a protest against the violation of his ship. The British captain returned an hour later with a detachment of fifty marines, who took charge of the Topaz. The populace was greatly excited at this incident and raised the cry "To arms!" but there was no disorder.

The British Commodore then sent a message to the authorities at Puerto Cabello demanding immediate satisfaction for the seizure of the mob in having hauled down the British flag from the Custom house, saying that if satisfaction was not forthcoming in two hours at 5 o'clock the fortress and the Custom house would be bombarded. On the receipt of this demand the authorities sent a message to President Castro asking for instructions.

A committee of the merchants of Puerto Cabello then approached the American Consul here, petitioning him to intervene. The Consul accepted this mission and visited the cruisers, but he could obtain no alteration in the decision of the allies.

At 4:45 o'clock a reply was received from President Castro, who authorized the chief official here to give the British Commodore ample satisfaction. Before this answer could be communicated to the American Consul the hour stipulated for the reply arrived. The cruisers immediately opened fire on the fortress. The fire was returned from Fort Solano and Castle Libertador, but the Venezuelan guns were soon silenced. While the firing continued there was intense excitement in this port. Every house in town was closed.

The people of Puerto Cabello cannot account for this precipitate action on the part of the allies, which they consider to be proof that Great Britain and Germany intend forcing war upon Venezuela. The British marines propose to make use of the cannon in Castle Libertador. No damage was done to the town. The excitement of the people is subsiding.

LA GUAYRA (Venezuela), Dec. 15.—Dynamite and the torch completed the demolition of the harbor defenses of Puerto Cabello after they had been dismantled and riddled by the gun fire of the German cruiser Vineta and the British cruiser Charybdis.

NO ORDERS TO SINK SHIPS.

BERLIN, Dec. 12.—As the result of fresh inquiries made regarding the reported sinking of Venezuelan vessels off La Guayra, it is learned that the orders given to the German and British commanders were to capture the vessels before beginning the blockade. No orders were given to sink them. If, however, any vessel has been sunk it was a military measure necessary in carrying out the foregoing orders. No report has yet been received from Commodore Schroeder, the German commander. A report was received from Herr Pilgrimage as follows:

Four Venezuelan vessels captured. One of them disabled. Two German vessels, the Vineta and Panther, and one English, the Resolution (probably the Retribution), participated in the seizure.

The Foreign Office refuses to believe the vessels were sunk and will not credit the report until corroboratory news is received officially from the German representatives on the spot. At any rate, it is added, if the vessels were sunk it is the joint result of the action of both squadrons and in consequence of the resistance.

LONDON, Dec. 12.—The Foreign Office informs the press that the British Government disclaims responsibility for the sinking of the Venezuelan vessels, off La Guayra, which it entirely attributes to the German forces.

SOUTH AMERICA ALARMED.
BUENOS AYRES, Dec. 12.—All the newspapers here see in the Anglo-German intervention in Venezuela danger for all South American republics, as it tends to establish precedents endangering their sovereignty. The general opinion is that the investment of foreign capital, though desirable for the development of a country, cannot give foreigners special rights. Some papers compare the actual intervention with recent events in China. The Prensa says:

"The Anglo-German military action has violated the rights and disregarded the sovereignty of the South American republics."

It adds that the German claims, as public debts, are without precedent in the history of South America. The Prensa attributes the whole affair to European Imperialists, who are inspired with hostile intentions against increasing the influence of the United States and urges South American diplomats to watch developments.

Throughout South America similar views are held, and the republics are looking to the United States to intervene.

REVOLUTION IMMINENT.

NEW YORK, Dec. 15.—A cable to the Sun from Antwerp says: An important commercial firm having constant relations with Venezuela has received a cipher message from Caracas intimating that the position of President Castro is daily becoming more difficult. A new revolution seems imminent. General Matos, the revolutionary leader, refuses to co-operate with President Castro. Business in Caracas has stopped and all shops are closed.

ITALY TAKES A HAND.

ROME, Dec. 16.—The claims of Italy on Venezuela referred to by Foreign Minister Prinetti in the Chamber of Deputies here yesterday comprise losses sustained by Italian citizens during the recent revolutions. Most of the 7,618 Italian residents of Venezuela have been heavy losers. The Foggia oil firm, from Elba, is the greatest sufferer. All its property was sacked.

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LATEST BULLETINS FROM VENEZUELA

CARACAS, Dec. 16.—The Governor of Margarita Island reports that British and German warships are off that island.

Minister Bowen yesterday politely refused to have a monster patriotic parade pass before the United States Legation. Everyone here hopes that the arbitration proposed by Venezuela through Mr. Bowen and Washington will be granted.

When the combined fleets seized the Venezuelan ships at La Guayra the German commander delivered to the Venezuelan captain the following document:

"By order of my sovereign, and at the command of the commander of the German squadron in West Indian waters, I, the commander of the Panther, request you to lower your ship's flag immediately and leave your ship with your crew within ten minutes. This is not a measure of war on the part of Germany, but only with the object of making a provisional seizure of your ship in order to oblige the Venezuelan government to recognize our just demands. In case you disobey and wish to defend your ship, I shall be obliged to prevent you from so doing by the discharge of arms. December 15, 1903.

(Signed) "OKERTMAN,"

Further details of the sinking of the Venezuelan ships have been obtained from an entry made in the book of the

signatures of the fortress of La Guayra. It is as follows:

Tuesday, December 9, 1:10 night.—The adjutant called on to see if I knew the steamer Retribution of the English navy was towing the steamers Crespo and Totuna, of the National navy, three or four miles north. I had heard four cannon shots and said the two steamers had disappeared and understood they had been sunk by the Vineta and Retribution. At the end of an hour the Retribution returned to the harbor alone.

(Signed) "SIGNAL COMMANDER,"

"OF THE FORTS."

The fact that the Retribution returned to La Guayra alone two hours after leaving with the captured vessels was confirmed by English residents of La Guayra. Consequently, she did not have time to conduct the Venezuelan ships to Curacao or Trinidad.

SCARE AT LA GUAYRA.

LA GUAYRA, Dec. 15.—The arrival of the British cruiser Charybdis and the torpedo boat destroyer Quail yesterday caused a bad scare among the population of this place. The commander of the fortress visited the American, French, Spanish and Dutch consuls and asked them in case the British landed marines to intervene to prevent firing on the fort and to delay any movement on the fort, as he had received orders from the government to evacuate the place. The commander added that if the consuls refused to intervene and the fort was attacked he would defend his post and could not answer for the consequences to the town, which is without any defense with the exception of a few armed policemen. At 5 o'clock, however, the Charybdis and the Quail steamed away in the direction of Curacao.

The foreign consuls subsequently called on the prefect, who assured them there was no danger at present. He added that the commander of the fort had been needlessly alarmed, and had only succeeded in almost causing a panic.

PRELIMINARY TO ARBITRATION.

BERLIN, Dec. 15.—The German government has not yet replied to President Castro's offer of arbitration, being still in correspondence with the British government on the subject. It is intimated that Germany's reply is not likely to be ready for some days. The opinion of the cabinet appears to be that President Castro's proposals are merely a move in a game designed to see what Germany and Great Britain are now willing to do, and as a test also of American public feeling. The prevailing idea here at present is that it is too late to arbitrate, and that the acceptance of the offer to do so would place Germany in the position of having put her hand to the plow, and as looking backward. The government's concern at the present moment is to guide the application of force so as to avoid what could be taken internationally as a declaration of war, resulting in the recognition of Venezuela as a belligerent. The conduct of the United States is regarded in diplomatic opinion here as being strong and dignified, and the State Department's handling of the affair is looked upon as establishing Europe's recognition of the Monroe doctrine, because every step of Germany and Great Britain was made after taking into account what the United States thought of it. At the same time it is claimed that events in Venezuela are saving the United States many future complications by letting the Latin Republics understand that the United States will not protect them from the effects of financial delinquency and internal disorder.

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White enameled cream jugs..... 20c.
Best quality ice picks, choice..... 20c.
Scotch granite drinking cups..... 10c.
White enameled dust pans, 4 sizes, very strong, will last for years, choice..... 20c.
Gray enameled pierced dippers and skimmers, your choice, each..... 10c.
Plated knives and forks, 1/2 dozen each in lined box, choice, box..... 75c.
Table spoons, silver steel, 3 different patterns, always 75c. dozen, now..... 50c.
Tea spoons, silver steel, per doz..... 50c.
Tin tea and coffee pots, 1 quart..... 10c.
2 quarts..... 15c.
3 quarts..... 20c.
6 quarts..... 35c.

SOME OF THE LOTS ARE SMALL, BUT WILL BE REPLACED BY OTHERS AS SOON AS SOLD.

White enameled tea pots, should be 75c. Special sale price..... 35c.
White enameled coffee pots, very durable, always clean, your choice, 40c.
Tubed cake pans, gray enameled, always 25 and 30c. each, choice, any size..... 10c.
Carving knives and forks, best steel, stag handles, cheap at \$2.00 per set, now per set..... \$1.50
Carving knives and forks, extra good and strong, should be \$1.25, a bargain, per set..... 75c.
Sixty-cent Christy meat knives only..... 25c.
White enameled soup tins from 40c. to 25c.
Gray enameled candlesticks, only..... 10c.
Gray enameled coffee crushers, 1-lb. 15c.
Tin sauce pans with covers, 1 qt., 10c. 2 qts., 15c.; 3 qts., 20c.; 4 qts., 25c. 6 qts..... 30c.
Tin covered buckets, 1/2 qt., 5c.; 1 qt., 10c.; 2 qts., 15c.; 3 qts., 20c.; 4 qts., 25c.; 6 qts..... 35c.

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